

RECOMMENDATIONS

EFFECTIVENESS OF THE STATE LONG TERM CARE OMBUDSMAN PROGRAMS

Carroll L. Estes, Ph.D.
Principal Investigator

Donna M. Zulman

Sheryl C. Goldberg, Ph.D.

Dawn D. Ogawa

Institute for Health & Aging
University of California, San Francisco
3333 California Street
Suite 340
San Francisco, CA 94118

June, 2001

(Reprinted with permission of Carroll L. Estes)

RECOMMENDATIONS

Organizational Placement and Structure:

- *Study findings support the 1995 IOM Report's recommendation that: "No ombudsman program should be located in an entity of government (state or local) or agency outside government whose head is responsible for:*
 - *Licensure, certification, registration, or accreditation of long term care residential facilities;*
 - *Provision of long-term care services, including Medicaid waiver programs;*
 - *Long-term care case management;*
 - *Reimbursement rate setting for long-term care services;*
 - *Adult protective services;*
 - *Medicaid eligibility determination*
 - *Preadmission screening for long-term care residential placements;*
 - *Decisions regarding admission of elderly individuals to residential facilities."* (Harris-Wehling et al., 1995; Recommendation 4.1, pg. 124)
- *LTCOPs should have sufficient organizational autonomy from the state to ensure that ombudsmen may advocate for residents (in accord with their responsibilities as defined by law) without fear of political ramifications. As advised by the 1995 IOM Report: "Ombudsmen must be able to pursue independently all reasonable courses of action that are in the best interest of residents."*(Harris-Wehling et al., 1995; pg. 125)

Adequacy of LTCOP Resources

- *Study findings support the need to increase funding to ensure that LTCOPs have adequate resources to fulfill their federal and state mandates. As stated in the 1995 IOM Report, appropriations for the state LTCOPs should be increased to ensure "that all state Offices of the Long-Term Care Ombudsman program are funded at a level that would permit them to perform their current functions adequately." (Harris-Wehling et al., 1995; Recommendation 6.1, pg. 193)*
- *Study findings support the need to ensure the availability of adequate legal services for LTCOPs. As stated in the 1995 IOM Report: "Legal resources are not an end in themselves but are an essential element of the ombudsman programs' infrastructure. Without such resources, the program is greatly hampered in its ability to comply with other mandated provisions in the OAA" (Harris-Wehling et al., 1995, pg. 96).*
- *As recommended by the 1999 report from the Office of Inspector General (OIG, 1999; OEI-02-98-00351), study findings support the need to continue to strengthen the LTCOP's reporting system and to develop a standard for measuring outcomes of ombudsman complaint investigation, education, and advocacy efforts.*

- *Study findings support the need to strengthen the commitment and support of policy makers for the ombudsman program through education, lobbying, publicity, and collaboration with individuals and agencies committed to long term care.*

LTCOP Efforts to Improve Quality of Care

- *Ombudsmen must continue to raise public awareness about the issue of nursing facility staffing ratios, and the need to improve recruitment, retention, training, and quality of staff, through advocacy efforts, education of providers and nursing facility staff, and collaboration with agencies committed to long term care.*
- *Study findings support the need for ombudsman visitation and monitoring of LTC facilities to be increased. As the LTC industry continues to shift towards non-traditional settings, policy-makers need to ensure that ombudsmen can meet the needs of increasing numbers of residents in board and care and assisted living facilities.*
- *Study findings support the continued need to promote advocacy efforts for improved quality of care through LTCOP work with citizen's advocacy groups and family and resident councils.*
- *Funding and staffing should be increased to allow ombudsmen to fulfill their role in systemic advocacy. Ombudsmen report that systemic advocacy is one of the activities most often neglected because of inadequate funding. Due to the immediate needs of complaint investigation, goals such as legislative advocacy and community education may be set aside. LTCOP funding must therefore be sufficient for ombudsmen to fulfill their roles not only as complaint mediators and investigators, but also educators and advocates for residents.*
- *Program visibility should be increased to ensure continued funding and support from policy makers.*

Relationship Between LTCOPs and Other Agencies

- *The Administration on Aging (AoA) should take a more active role in monitoring LTCOP compliance with regulations stipulated by the Older Americans Act.*
- *LTCOPs should continue to work to improve relationships with state agencies that have authority to enforce regulations.*
- *LTCOPs should increase communication between parties (e.g. SUA administration, licensing agencies, and CAGs) by setting up work groups and negotiating memoranda of understanding. Ensure that all parties are aware of the designated roles, responsibilities, and capabilities of ombudsmen.*

- *Relationships between state and local LTCOPs should be enhanced through increased training, supervision and technical assistance, provision of educational materials, and timely information on legislative and advocacy issues.*
- *State Unit on Aging support for the ombudsman program should be strengthened. Ombudsmen and AoA should actively encourage SUAs to increase financial, technical, administrative, and moral support, ensure adequate legal assistance, increase visibility, and support the mission and autonomy of the LTCOP.*
- *LTCOPs should enhance relationships with citizen's advocacy groups by collaborating on legislative agendas, taking part in each others meetings and conferences, co-sponsoring joint training, and forming coalitions with resident and family councils.*